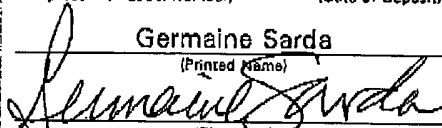


Atty. Dkt. No. 071949-1315

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth F. Buechler  
Title: DIAGNOSTIC DEVICES AND  
APPARATUS FOR THE  
CONTROLLED MOVEMENT OF  
REAGENTS WITHOUT  
MEMBRANES  
Appl. No.: 09/982,629  
Filing Date: 10/18/2001  
Examiner: Lyle Alexander  
Art Unit: 1743

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.	
EL990321544US	March 1, 2004
(Express Mail Label Number)	(Date of Deposit)
Germaine Sarda	
(Printed Name)	
	
(Signature)	

**TERMINAL DISCLAIMER**

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Your Petitioner, Biosite, Inc., having its principal place of business at 11030 Roselle Street, Suite D, San Diego, CA 92121 (hereinafter represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/982,629, filed 10/18/2001, which is a continuation of U.S. Patent Application No. 09/613,650, filed 07/11/2000, by virtue of an Assignment enclosed herewith, a copy of which is attached hereto as APPENDIX A and recorded on 10/14/2003 at reel/frame 014048/0892 in the United States Patent and Trademark Office. Further, your Petitioner represents that it is the owner of U.S. Patent No. 5,458,852, which issued on U.S. Patent Application No. 07/887,526, filed 05/21/1992, by virtue of an Assignment filed and recorded on 09/21/1992, on Reel/Frame

Atty. Dkt. No. 071949-1315

6243/0843, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner, Biosite, Inc., hereby disclaims the terminal part of the term of any patent granted on the above captioned patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 5,458,852, and hereby agrees that any patent so granted on the above captioned patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 5,458,852 shall be the same as the legal title to any patent granted on the above captioned patent application, this agreement to run with any patent granted on the above captioned patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above captioned patent application, prior to the full statutory term of U.S. Patent 5,458,852 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 5,458,852 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 5,458,852 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above captioned patent application that would extend beyond the present termination of U.S. Patent 5,458,852, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above captioned patent application to the extent provided by law.

Atty. Dkt. No. 071949-1315

The undersigned, being the Attorney of Record for the above captioned patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to the above captioned patent application and U.S. Patent 5,458,852 rests with Petitioner, Biosite, Inc. The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date March 1, 2004By Barry Wilson

FOLEY & LARDNER LLP  
Customer Number: 23620

Telephone: (858) 847-6722

Facsimile: (858) 792-6773

Barry S. Wilson  
Attorney for Applicant  
Registration No. 39,431